

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1 and 3-20 are pending, Claim 2 having been canceled, Claims 1, 3, and 8 having been amended, and Claims 14-20 having been added by way of the present amendment. No new matter is added.

In the outstanding Office Action, Claims 1, 6, 8 and 12 were rejected as being unpatentable over Cosatto (U.S. Patent No. 6,654,018) in view of Kage (U.S. Patent No. 6,885,761); and Claims 3-5, 7, 9-11 and 13 were rejected as being unpatentable over Cosatto in view of Kage and in further view of Cosatto '119 (U.S. Patent No. 5,995,119).

As a preliminary matter, the undersigned would like to acknowledge the courtesy extended by Examiner Broome and SPE Chauhan by granting an interview with the undersigned, which was held on October 31, 2006. During the interview, independent Claim 1 and new Claim 16 were discussed and contrasted with the asserted prior art. In particular, the presently amended claims were discussed and explained so as to distinguish the cited prior art.

As discussed during the interview, Claim 1 was amended to clarify that the first generation means generates first image information relating to a subject and including positions of characteristic points of the face. The second generation means generates second image information based on the first generated image information, where the second image information is an image of a character that is different than the face of the subject. This image of the character is transmitted to a different communication terminal. When an image judgment means judges that the first image information satisfied prescribed conditions, the second generation means performs a first process for generating the second image information according to the facial expression of the face of the subject based at least on the first image information. However, the second generation means performs a second process

for generating the second image information according to the facial expression on the face of the subject based on other instances, when the first image information does not satisfy the prescribed conditions. The second process is different from the first process and does use information regarding the positions of the characteristic points of the face.

As discussed during the interview, Cosatto uses a single process (column 6, line 55) including both phoneme data and visual data. Moreover, the equation in column 6, line 55 calculates a target cost so as to ensure a “smoothness” in a final animation when concatenating pre-stored segments (column 6, lines 7-12).

Comparing amended Claim 1 to Cosatto, amended Claim 1 requires the second image information being an image of a character that it different than the face of the subject. Cosatto does not describe this feature. Likewise, Cosatto uses a single process, while Claim 1 requires two different processes to be performed, where the second process does not use information regarding the positions of the characteristic points on the face, when the image judgment means judges that the first image information fails to satisfy prescribed conditions.

Kage is asserted for its teaching the acquisition of the face of the subject and transmitting an animated image to a communication terminal. However, Cosatto and Kage, whether taken individually or in combination, fails to teach or suggest the above described features of Claim 1. Therefore no matter how Kage and Cosatto are combined, the combination does not teach or suggest all of the features of amended Claim 1. Although of differing statutory class and/or scope, it is respectfully submitted that Claims 6, 8 and 12 also patentably define over Cosatto in view of Kage.

Likewise, it is respectfully submitted that Claims 3-5, 7 and 9-11 and 13 patentably define over Cosatto in view of Kage and in further view of Cosatto ‘119. Cosatto ‘119 is asserted for its description of the generation of an animated image wherein particular phonemes do not satisfy a prescribed condition. However, this does not cure the deficiency

discussed above with regard to the other cited art with regard to amended Claim 1.

Therefore, it is respectfully submitted that Claims 3-5, 7 and 9-11 and 13 also patentably define over the asserted prior art.

As discussed during the interview, Claims 14 and 15 have been added to depend from Claim 1 and therefore also patentably define over the asserted prior art. Likewise, new Claims 16-20 have been added and are directed to a computer-implemented method, and should not be construed under 35 U.S.C. § 112, sixth paragraph. Nevertheless, consistent with the above discussion with regard to amended Claim 1, it is respectfully submitted that new Claims 16-20 also patentably define over the asserted prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that Claims 1 and 3-20, as amended, patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

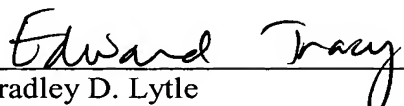
Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

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Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy
Registration No. 47,998